

REMARKS

Claims 1-13 are pending.

Priority document is attached.

Drawings stand objected to not showing "opposite sides" of claim 13.

The Specification stands objected to for order of sections and for informalities.

Claim 7 stands rejected for indefiniteness for the phrase beginning "wherein".

Claims 1,3, 7-12 stand rejected for anticipation by Bailey.

Claim 2 stands rejected for obviousness v. Bailey in view of Horner.

Claims 4-6 stand rejected for obviousness v. Bailey in view of Martinez.

Claims 1,3,4, 6-12 are herein amended to correct informalities and to clarify differences v. Bailey, Horner, and Martinez.

Claims 2, 5, 13 are herein cancelled.

Regarding the basis for amendments:

Current amendments to the Specification are based on correcting informalities and translation errors in the original. Of specific note, the original application misidentifies some of the components of Bailey (6,186,784) in the discussion of background. The terminology for these components is herein amended to that of the Bailey original terminology, and the item numbers are referenced, in order to avoid confusion.

Regarding the objection to the drawings due to claim 13:

Claim 13 is herein cancelled. Applicant believes the drawings are now in order.

Reconsideration of the objection is respectfully requested.

Regarding the rejection of claim 7 for indefiniteness:

Claim 7 is herein amended to remove the confusing language. Applicant believes that claim 7 is now in order. Reconsideration of the indefiniteness rejection of claim 7 is respectfully requested.

Regarding the rejection of independent claim 1 for anticipation by Bailey '784:

An anticipation rejection requires that the reference have *all* of the elements and limitations of the instant invention. Applicant respectfully submits that Bailey '784 does not

have *all* the elements and limitations of the instant invention. For example, claim 1 of the instant invention has

- a) an axial airflow pattern; and
- b) a air seal between said front housing cap and said casing.

Bailey has neither of these elements:

- a) Bailey has radial airflow;
- b) Bailey does not have an air seal within the casing. The only seal in Bailey is item 53, which is a water seal and is located in the handpiece 7 (which is a separate part from the casing).

Applicant submits that Bailey does *not* have all the elements and limitations of the instant application, and therefore does *not* meet the threshold requirements for an anticipation rejection. Reconsideration of the anticipation rejection of claim 1 is respectfully requested.

Regarding the rejection of dependent claims 3, 7-12 for anticipation by Bailey '784:

Since the dependent claims, by definition, include all of the elements and limitations of the base claim, the dependent claims cannot be anticipated by a reference that does not anticipate the amended base claim 1.

Reconsideration of the anticipation rejection of dependent claims is respectfully requested.

Regarding the rejection of independent claim 1 for obviousness v. Bailey '784 and Horner:

Claim 2 is herein cancelled and the subject matter incorporated into amended claim 1. Applicant will therefore respond to the obviousness rejection based on claim 1.

Obviousness requires that the combination of the cited references have *all* the elements and limitations of the instant application. Applicant submits that the combination of Bailey '784 and Horner does not have all of the elements and limitations of the instant application. For example, claim 1 of the instant invention has:

- a) an axial airflow pattern directed *away* from the drive (front) end toward the rear end; and
- b) a air seal between said front housing cap and said casing.

The combination of Bailey '784 and Horner has neither of these elements:

a) Bailey has radial airflow, and Horner has a combination of an axial flow section directed toward the drive end and a radial flow section. Applicant submits that no combination of Bailey '784 and Horner produces the instant invention having *axial only* air flow directed *away* from the drive end;

b) The combination of Bailey '784 and Horner does not have an air seal within the casing. The only seal in Bailey is item 53, which is a water seal and is located in the handpiece 7 (which is a separate part from the casing); Horner has labyrinths instead of seals and no bearings at all (see col. 2, line 48, for example) "the turbine 3 is supported by the interengaging formations and does not require the use of supporting bearings". Therefore a combination of Bailey '784 and Horner does not have an air seal within the casing.

In addition, obviousness requires a "clear and particular" suggestion to combine in a manner to produce the instant invention. Applicant finds no such suggestion in combination of Bailey '784 and Horner. In fact, both Bailey '784 and Horner teach away from the instant invention. Bailey '784 teaches radial flow only, and Horner teaches that axial flow only is inferior.

Applicant submits that the combination of Bailey '784 and Horner does not meet the threshold requirements for an obviousness rejection. Reconsideration of the obviousness rejection of is respectfully requested.

Regarding the rejection of dependent claims 4-6 for obviousness v. Bailey '784 and Martinez:

The same arguments apply as discussed above in regard to obviousness. Martinez has deflectors, but the combination of Bailey and Martinez does not have all the air flow and seal elements of the base claim listed above. Therefore, the combination of Bailey and Martinez cannot have all the elements of the dependent claims. In addition, there is also no "clear and particular" suggestion to combine.

Applicant submits that the combination of Bailey '784 and Martinez does not meet the threshold requirements for an obviousness rejection of claims 4-6. Reconsideration of the obviousness rejection of is respectfully requested.

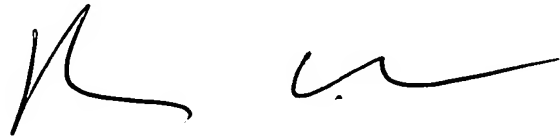
Applicant believes that this amendment answers all instances in which the Examiner rejected or objected, and that the amendment places all remaining claims in condition for allowance.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for issue. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (408) 358-0489.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. Willgohs', with a stylized, flowing script.

Ralph H. Willgohs

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